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EXAMINER

FOTAKIS, ARISTOCRATIS

ART UNIT

PAPER NUMBER

2611

NOTIFICATION DATE

DELIVERY MODE

08/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/659,905	Applicant(s) MCDONOUGH ET AL.	
	Examiner ARISTOCRATIS FOTAKIS	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/19/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 – 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants have amended claim 13 in lines 2 – 5 as followed: “a memory to store a plurality of sets of search parameters and search results, wherein each set of search parameters is assigned a **common** reference number and a corresponding set of search results for each set of search parameters is stored with the same **common** reference number”. In reviewing the specification the disclosure (Paragraphs 0037 – 0038) recites of “the parameters memory may be used to store the groups of hypotheses specified by the MCU (310). Each hypothesis or group of hypotheses can be stored in a partition of the parameters memory referred to as a record. The record can be used to store all of the relevant information needed to specify a group of hypotheses, such as PN offset, Walsh code, search resolution, dwell time, scrambling code, and so forth. To save storage space, the parameters memory may include a common parameters partition (324). The common parameters partition can be used to store any hypothesis parameters that may be in common across all groups of hypotheses stored in the parameters partition. Each group of hypotheses can be assigned a reference number that can be used for future reference to each group”.

The claim correctly recites of a memory to store a plurality of sets of search parameters and search results. However, each set of search parameters or more specifically a group of hypotheses is not assigned a **common** reference number but a different reference number for each group.

Therefore, it would be unpredictable to practice Applicant’s claimed invention and therefore require an undue amount of experimentation to make and use the claimed invention.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites of the limitation “assigning each hypothesis ***from selected ones of the groups*** to a respective correlator” in Line5, which is indefinite. It is not clear if the claim is referring to a plurality of groups of hypothesis. It should be noted that line 3 recites of generating only a group of hypotheses.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 19-27, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerhards et al. (U.S. Pub. No. 2003/0012312).

Re claim 1, Gerhards discloses:

- sets of search parameters are given ([0007], [0046], [0056] – [0057], [0060], *new search parameters*);
- generating a group of hypotheses from the sets of search parameters ([0007], lines 9-12, [0057], [0060], *loop*) after reading the sets of search parameters (#56, #58, #60 and #60, Fig.1);
- assigning each hypothesis from selected ones of the groups (Page 6, claim 1 of Gehards) to a correlator and correlating a pseudo-random number (PN) sequence generated from each hypothesis against a received sequence (Gerhards discloses searching for a predefined code, or hypothesis, in a bitstream by correlating it plurality of reference codes in lines 1-8 of [0007], further in [0043] Gerhards discloses each correlator receives the same I and Q component bit streams 18 and 20 and further receives I and Q components of a reference bit stream which are labeled as I PN and Q PN 28 and 30, respectively) (see also ([0060], Fig.3A – 3B);
- accumulating the correlation result (Gerhards discloses the results are stored in buffer 64, [0044], line 24);
- processing the accumulation result (see fig. 1, after search is complete line 54 is sent to processor circuit 76).

Re Claim 2, Gerhards further discloses the sets of search parameters are stored in a record memory ([0060], Fig.1).

Re Claim 3, Gerhards discloses that dependent sets of search parameters are stored together in a portion of the record memory ([0060], Lines 5 - 8).

Re Claim 4, Gerhards further discloses a result memory, and wherein results from the processing are stored in the result memory with the same reference number (*first* and *second* sets (correlation values and associated indices), Abstract, Lines 13 - 16) as used to store the set of search parameters used to obtain results from processing (*first* and *second* search, Abstract).

Re Claim 5, Gerhards further discloses determining availability of storage space; and writing the set of search parameters by a control unit if storage space is available (the dual dwell flag indicates if storage space is available, [0048]).

Re Claim 6, Gerhards further discloses repeating the determining and the writing until storage space is no longer available or all sets of search parameters have been written (the process described in [0048] indicates whether this is enabled by the dual dwelling flag).

Re Claim 7, Gerhards further discloses assigning each hypothesis from the group to a correlator if there are as many idle correlators as there are hypotheses in the group and assigning as many hypotheses as there are idle correlators, wherein each

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hypothesis is assigned to a correlator, if there are fewer idle correlators than hypotheses ([0046]).

Re Claim 8, Gerhards further discloses a plurality of sets of search parameters, and wherein the assigning comprises: determining if there are a sufficient number of correlators ([0048]); and repeating the reading, generating, and assigning with a different set of search parameters if there is an insufficient number of correlators ([0048]).

Re Claim 9, Gerhards further discloses repeating the reading, generating, and assigning as long as there are idle correlators ([0048]).

Re Claim 10, Gerhards further discloses storing the results from the processing ([0060]).

Re Claim 11, Gerhards further discloses of the sets of search parameters further comprising dependent sets (*a set of search parameters for each search*); each dependent set of search parameters is assigned a common reference number, and wherein the results of the processing using the dependent set of search parameters is stored using the common reference number (see claims 3 and 4).

Re Claim 12, Gerhards further discloses the set of search parameters specifies a single hypothesis, and wherein the group of hypotheses contains the single hypothesis (maximum correlation, [0059]).

Re Claim 13, Gerhards discloses:

- a memory to store sets of search parameters and search results (*a set of search parameters for each search*), wherein each set of search parameters is assigned a reference number (*first and second search*) and a set of search results for a set of search parameters is stored with the same reference number (*first and second sets* (correlation values and associated indices), Abstract, Lines 13 - 16);
- a searcher coupled to the memory, the searcher containing circuitry to read a set of search parameters from the memory, process pseudo- random number (PN) sequences generated based on the set of search parameters with a received sequence (Gerhards discloses searching for a predefined code, or hypothesis, in a bitstream by correlating it plurality of reference codes in lines 1-8 of [0007], further in [0043] Gerhards discloses each correlator receives the same I and Q component bit streams 18 and 20 and further receives I and Q components of a reference bit stream which are labeled as I PN and Q PN 28 and 30, respectively)
- write the correlation results to a set of search results with the reference number of the set of search parameters ([0061]);

- a sequence generator coupled to the searcher, the sequence generator containing circuitry to generate a PN sequence from each hypothesis provided to it by the searcher ([0043]).

Re Claims 14 and 21, Gerhards further discloses the memory further comprises a common parameter storage space (*first and second search at the same resolution*) to store search parameters common to each set of search parameters currently in the memory; and a common result storage space to store search results common to each search result currently in the memory (#66, #68, Fig.1 and [0012]).

Re Claim 15, Gerhards further discloses a hypothesis generator coupled to the memory and the search engine, the hypothesis generator containing circuitry to generate hypotheses from the set of search parameters and from a timing reference provided by the searcher ([0007]); and a result processor coupled to the search engine and the memory, the result processor containing circuitry to compare the set of search results against a specified threshold ([0062]).

Re Claim 16, Gerhards further discloses the searcher comprises a plurality of correlators to correlate a received sequence with each of the generated PN sequences ([0043], Gerhards discloses each correlator receives the same I and Q component bit streams 18 and 20 and further receives I and Q components of a reference bit stream which are labeled as I PN and Q PN 28 and 30, respectively); a control memory to store

control information for use in the processing of the generated PN sequences ([0049]); and a scratch memory to store temporary results during the processing ([0049]).

Re Claim 17, Gerhards further discloses the control memory and the scratch memory are partitioned into a plurality of storage spaces, and wherein there is a control memory storage space and a scratch memory storage space for each correlator ([0058]).

Re Claim 19, Gerhards discloses:

- an analog front end coupled to an antenna, the analog front end containing circuitry to filter and amplify a received signal provided by the antenna [0006];
- an analog-to-digital converter (ADC), the ADC to convert an analog signal provided by the analog front end into a digital symbol stream ([0010], lines 3-4);
- a processing unit coupled to the ADC, the processing unit containing circuitry to store together a plurality of dependent sets of search parameters (first search parameters (0056) and new search parameters, [0060]) and search results (*first and second sets of search results*, Abstract), test hypotheses derived from the sets of search parameters ([0007], [0060], Fig.1, 3A and 3B).

Re Claim 20, Gerhards further discloses of the processing unit comprises:

- a memory to store sets of search parameters and search results, wherein each set of search parameters (*a set of search parameters for each search*) is assigned a reference

number (*first* and *second* search), and a set of search results for a set of search parameters is stored with the same reference number (*first* and *second* sets (correlation values and associated indices), Abstract, Lines 13 - 16);

- a controller coupled to the memory, the controller to write sets of search parameters to the memory and retrieve sets of search results from the memory ([0046]);
- a searcher coupled to the memory and the controller, the searcher containing circuitry to read a set of search parameters from the memory, create hypotheses from the set of search parameters, correlate the hypotheses with a received sequence, and write the correlation results to a set of search results with the reference number of the set of search parameters ([0007]).

Re Claim 22, Gerhards further discloses the searcher comprises a plurality of correlators, wherein a set of search parameters can result in a plurality of hypotheses, and wherein each hypothesis from the plurality of hypotheses is assigned to a unique correlator ([0007]).

Re Claim 23, each assigned correlator correlates a pseudo-random number (PN) sequence generated from its hypothesis with a received sequence ([0043], Gerhards discloses each correlator receives the same I and Q component bit streams 18 and 20 and further receives I and Q components of a reference bit stream which are labeled as I PN and Q PN 28 and 30, respectively).

Re Claim 24, Gerhards further discloses each assigned correlator correlates with the same received sequence ([0042], [0043]).

Re Claim 25, Gerhards further discloses the controller also specifies when the searcher may assert an interrupt to notify the controller that the searcher has completed processing an assigned search ([0058]).

Re Claim 26, Gerhards further discloses the wireless device operates in a digital communications network ([0002], line 2).

Re Claim 27, Gerhards further discloses wherein the digital communications network is a direct sequence spread spectrum communications network ([0033], lines 1-4).

Re Claim 30, Gerhards further discloses the wireless device is capable of operating in a plurality of digital communications networks ([0004]).

Re Claim 30, Gerhards further discloses of the groups of hypotheses are dependent sets ([0007]).

Re Claim 34, Gerhards further discloses of hypotheses within a single group are dependent ([0044]) but the groups are independent ([0060]).

Re Claim 35, Gerhards further discloses of each group specifying a window of particular size and location at a different place in a PN sequence ([0007] and [0057], Fig.1).

Re Claim 37, Gerhards further discloses of said portion is a partitioned portion of the record memory (*It is inherent that a memory has a partition configuration*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 18 and 28 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhards et al. (U.S. Pub. No. 2003/0012312).

Re Claim 18, the memory can store eight (8) sets of search parameters, eight (8) sets of search results, and wherein the searcher has 256 correlators. Gerhards does not disclose expressly the memory can store eight (8) sets of search parameters, eight (8) sets of search results, and wherein the Searcher has 256 correlators. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store eight sets of parameters and use 256 instead of 32 correlators as disclosed ([0043]). Applicant has not disclosed that a memory that can store eight (8) sets of search parameters, eight (8) sets of search results, and wherein the searcher has 256 correlators provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with other values of sets of parameters stored or different numbers of correlators. Therefore, it would have been obvious to one of

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ordinary skill in this art to modify Gerhards to obtain the invention as specified in claim 18.

Re Claim 28, Gerhards discloses the claimed invention except for disclosing CDMA, and not specifically CDMA2000 ([0004]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to (modification) since the examiner takes Official Notice of the equivalence of CDMA and CDMA2000 for their use in the communications art and the selection of any of these known equivalents to transmit and receive radio signals would be within the level of ordinary skill in the art.

Re Claim 29, Gerhards discloses the claimed invention except for disclosing CDMA, and not specifically UMTS (UMTS is a version of WCDMA, see [0004] for CDMA). It would have been obvious to one having ordinary skill in the art at the time the invention was made to (modification) since the examiner takes Official Notice of the equivalence of CDMA and UMTS for their use in the communications art and the selection of any of these known equivalents to transmit and receive radio signals would be within the level of ordinary skill in the art.

Claims 32 – 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhards in view of Neufeld et al (US 2002/0067762).

Re Claims 32 and 33, Gerhalds teaches all the limitations of claim 1 as well as the groups of the hypothesis are dependent sets (see claim 31) but does not specifically teach of the sets being independent.

Neufeld discloses of techniques for generating pseudo-random number (PN) sequences at various arbitrary phases using "masking" for coarse phase adjustment ([0002], [0009] – [0011]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used groups of the hypothesis being independent sets where the PN sequences at various arbitrary phases could be advantageously used to search for strong multipaths from a particular base-station ([0008]).

Re Claim 36, Gerhards discloses of the groups of hypothesis having parameters common to both the dependent and independent sets stored in a common parameters portion (same resolution, [0012]) of the record memory.

Response to Arguments

Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed June 19, 2008 have been fully considered but they are not persuasive.

Applicants have submitted that Gerhards fails to teach or suggest reading sets of search parameters where Gerhards does not disclose reading more than one set of search parameters in an attempted acquisition.

Examiner submits that Gerhards as cited above in the rejection of claim, discloses of more than one set of search parameters (#118, Fig.3B) in an attempted acquisition in order to search the entire window, where each group of hypotheses corresponds to a given set of search parameters.

Applicants have submitted that Gerhards fails to teach of a processing unit containing circuitry store together a plurality of dependent sets of search parameters and search results as required by Claim 19. Examiner submits that the processor (#76) outputs the sets of search parameters which are stored in the same memory (batch buffer) ([0060] and the dependent sets of search results are stored in the SRCH-O/P buffer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristocratis Fotakis whose telephone number is (571) 270-1206. The examiner can normally be reached on Monday - Thursday 6:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aristocratis Fotakis/

Examiner, Art Unit 2611

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611